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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,464	03/21/2003	Vincent Sebileau	OUVBOC	3534

7590 09/01/2005
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EXAMINER

THOMAS, DAVID B

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/719,464	Applicant(s) SEBILEAU, VINCENT	
	Examiner David B. Thomas	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.
 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-10 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 08 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The specification does not contain the appropriate headings in accordance with U.S. practice:

BACKGROUND OF THE INVENTION.

BRIEF SUMMARY OF THE INVENTION.

BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

DETAILED DESCRIPTION OF THE INVENTION.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-10 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure, which goes to make up the device, must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Allowable Subject Matter

4. In order to expedite the prosecution, the following claims, drafted by the examiner and considered to distinguish patentably over the art of record in this application, are presented to applicant for consideration:

11. (proposed) An apparatus for opening containers with screw-off lids, the apparatus comprising:

a lid-wedging plate held by one hand on the lid to be unscrewed, the lid-wedging plate having on the plate's under surface, two walls, at right angles to the plate, and mounted to face each other at an angle to one another, respectively;

a connecting arm having a first end pivotally attached to the plate and a second free end, the plate further comprising an axle at a right angle to the plate;

the free end of the connecting arm further comprising:

a winding drum;

a handle operably connected to the winding drum; and,

a flexible ribbon forming a loop to encircle the container and mounted to the winding drum, said loop being closed where it is mounted on the winding drum, such that the flexible ribbon is wound up around the drum as it is rotated by the handle while the drum turns on an axle that is at a right angle to the plate at the free end of the connecting arm, where the rotation of the handle causes self-wedging of the plate as the flexible ribbon tightens around the container below the lid.

12. (proposed) The apparatus of claim 11, wherein at least one of the walls are adjustable to vary the spread between the walls to fit various diameters of screw-off lids.

13. (proposed) The apparatus of claim 11, wherein the flexible ribbon is made of reinforced rubber.

14. (proposed) The apparatus of claim 11, wherein the lid-wedging plate further comprises an opening between the walls to allow the winding drum to move closer to small-diameter containers in order to rotate them.

15. (proposed) The apparatus of claim 11, wherein the first end of the connecting arm has an oblong slot, such that the distance between the axle of the connecting arm on the lid-wedging plate and the drum's axle can be variable by allowing the connecting arm to travel along the oblong slot.

16. (proposed) The apparatus of claim 11, wherein the connecting arm is divided into at least two segments joined to form an elbow joint in the plane of the lid-wedging plate.

17. (proposed) The apparatus of claim 16, further comprising a coil spring mounted between the second segment and the lid-wedging plate such that the second segment of the connecting arm is biased to return to a starting position.

18. (proposed) The apparatus of claim 11, wherein the lid-wedging plate further includes a handle extending opposite a working zone of the connecting arm, in order to hold the apparatus.

19. (proposed) The apparatus of claim 11, wherein the free end of the connecting arm further includes a belt winding guide in the form of a U-shaped member that straddles an upper and a lower end of the winding drum.

20. (proposed) The apparatus of claim 11, further comprising a coil spring mounted between the connecting arm and the lid-wedging plate such that the connecting arm is biased to return to a starting position.

21. (proposed) The apparatus of claim 11, further comprising a stop to prevent rotation of the handle, the stop being integrally mounted to the lid-wedging plate or the connecting arm.

5. The examiner believes that these claims are fully supported by and disclosed in the applicant's specification. If applicant agrees to the proposed claims, the applicant is urged to submit an amendment to this office action, canceling claims 1-10, and including these claims 11-21 as (New) claims. The applicant is also urged to review the specification for punctuation and grammar, in addition to the requirement for the appropriate paragraph headings as cited in paragraph 1 of this office action.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3723

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Thomas whose telephone number is (571) 272-4497. The examiner can normally be reached on 9-6 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



David B. Thomas
Primary Examiner
Art Unit 3723

dbt